# Water Supply & Sewerage Plan

Amendment Cycle 39 September 23, 2021



# AMENDMENT CYCLE XXXIX

# BALTIMORE COUNTY WATER & SEWERAGE PLAN

# PLANNING BOARD REPORT to the COUNTY EXECUTIVE

September 23, 2021

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# RESOLUTION Recommending Amendments to the MASTER WATER AND SEWERAGE PLAN

a procedure for annual review and recommendations on Petitions to amend the Baltimore County Master Water and Sewerage Plan; and

WHEREAS, the Planning Board has carefully considered the June 17, 2021 staff report and the statements and other information received in conjunction with the Public Hearing held on July 15, 2021, in accordance with paragraph (e)(1) of the Executive Order.,;

NOW, THEREFORE, BE IT RESOLVED, that the Baltimore County Planning Board hereby finds and recommends, in accordance with paragraphs (e) and (g) of the Executive Order, the following designation in response to the Petitions in Amendment Cycle 39:

Petition / Issue

Recommendation / Area Designations

21-01: Lafarge Quarry, 633 Earls Road

Change from W-5/6/7, S-5/6/7 to W-3, S-3 for areas inside the URDL.

A RESOLUTION

Recommending Amendments to the Master Water and Sewerage Plan

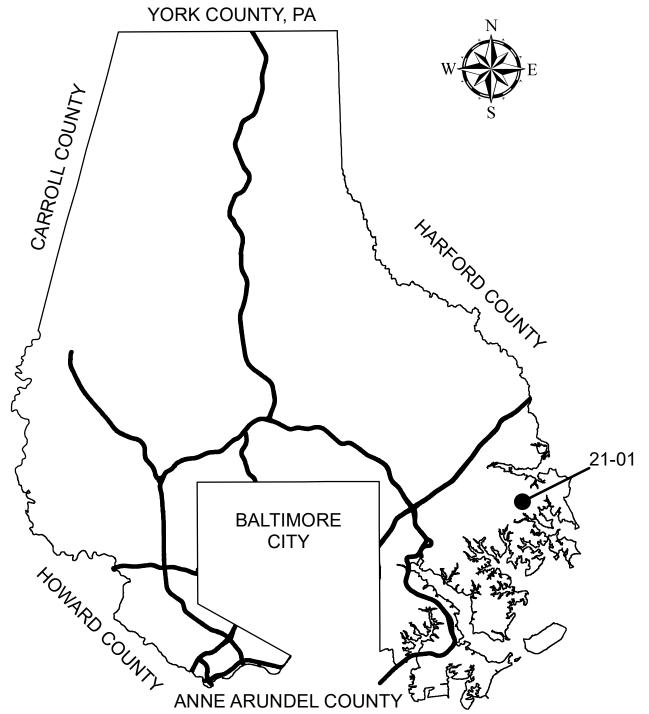
**DULY ADOPTED** by vote of the Planning Board the 23<sup>rd</sup> day of September 2021

Stephen Lafferty,

Secretary to the Planning Board

# **PUBLIC NOTICE**

BALTIMORE COUNTY, MARYLAND WATER SUPPLY AND SEWERAGE PLAN AMENDMENT CYCLE 39



A VIRTUAL PUBLIC HEARING VIA WEBEX WILL BE HELD BY THE BALTIMORE COUNTY PLANNING BOARD AT 5:00 PM ON JULY 15, 2021 ON THE FOLLOWING ISSUE COMPRISING AMENDMENT CYCLE 39 OF THE BALTIMORE COUNTY WATER SUPPLY & SEWERAGE PLAN. CALL-IN INFORMATION WILL BE AVAILABLE ON THE PLANNING BOARD WEBSITE AT: https://www.baltimorecountymd.gov/Agencies/planning/planning-board WRITTEN TESTIMONY WILL ALSO BE ACCEPTED IN LIEU OF ATTENDING THE MEETING AND MAY BE SENT TO MARSHA TRACEY AT: mtracey@baltimorecountymd.gov THE STAFF REPORT WILL BE AVAILABLE ON THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION WEBSITE ON JULY 2, 2021 AT: https://www.baltimorecountymd.gov/Agencies/publicworks/masterplan.html

21-01 LAFARGE QUARRY

# Executive Order Baltimore County Water & Sewerage Plan Amendment Process

WHEREAS, the County Executive is responsible for the proper and efficient administration of the affairs of the County and is charged with the duty to supervise, direct and control the administrative services of the County; and

WHEREAS, Baltimore County, Maryland has adopted the 1981 Master Water & Sewerage Plan for a two (2) year period, pursuant to Title 9, Subtitle 5, County Plan of the Health-Environmental Volume of the Annotated Code of Maryland (formerly Article 43, Section 387C); and

WHEREAS, for good cause, interested parties may desire to request changes in the Master Water & Sewerage Plan during the interim period;

NOW, THEREFORE, under the authority vested in the County Executive by the Baltimore County Charter, it is this 11th day of April, 1990, by the County Executive of Baltimore County, Maryland, ordered as follows:

For the purpose of considering contemporaneous petitions for amendment to the Baltimore County Water & Sewerage Plan in relation to each other and according to a standard schedule, the following annually recurring schedule periods are hereby established, to be applicable on and after July 1, 1982, subject to the provisions hereinafter set forth.

PERIOD I - MAY
PERIOD II - JUNE
(Compile Report)
PERIOD III - JULY 1 - SEPT 30
(PB Action)

- (a) A petition for amendment to the Water & Sewerage Plan of a property (amendment petition) may be filed with the Department of Public Works only by the legal owner of such property, or by his legally authorized representative. Each such petition shall be filed no later than May 1 of each year and shall include an explanation of the reasons why, in the petitioner's opinion, the amendment sought should be made, set forth in sufficient detail to properly advise the County authorities required to review the petition. Any allegations of change in conditions as justification for the action sought shall be supported in the petition by precise description of such change, and any allegations of error shall be so supported in similar detail and as further required by Subsection (g).
- (b) With the exception of those amendment petitions exempted under the procedure set forth in Subsection (f), copies of all amendment petitions accepted for filing by the Department of Public Works shall be transmitted to the Directors of Planning and Zoning and Department of Environmental Protection and Resource Management within the first five (5) days of Period 1. Within fifteen (15) days thereafter, the Director of Public Works shall publish information in two (2) newspapers of general circulation in the County for a period of at least two (2) weeks including the following:
  - (1) A listing of all such petitions;
  - (2) A map showing the locations of all properties under petition;
  - (3) The date, time and place of the July Planning Board hearing on the petitions.

They also shall make such listing and map available in the form of a press release and for a period of at least three (3) weeks, shall publicly display a copy of such listing and map in the County Office Building or other appropriate place for public inspection.

- (c) During each Period I, the Directors of the Office of Planning and Zoning and the Department of Environmental Protection and Resource Management shall review the petitions and each shall submit a report to the Director of Public Works containing at least the following information:
  - (1) Maps showing properties under petition and the amendment sought therefor;
  - (2) The technical feasibility of each petition;
  - (3) Recommendations on each petition;
  - (4) Supporting data for the recommendations.

- (d) During each Period II, the Director of Public Works shall review the departmental reports and shall prepare for submission to the Planning Board a report thereon containing at least the following information:
- (1) Maps showing properties under petition and the amendment sought therefore; such maps may also identify groups of such properties located close to each other and show other indications of the inter-relation of petitions with respect to planning considerations.
  - (2) Recommendations on the petition;
- (3) Supporting data for the recommendations, including any pertinent data and comments or recommendations submitted by other interested parties of County agencies.
  - (e) During each Period III, the Planning Board shall:
- (1) Hold a hearing (which shall be construed as a public hearing on the amendment petitions) at their regularly scheduled July meeting;
- (2) Publish and submit to the County Executive a report on all the amendment petitions submitted during the preceding filing period except those exempted under Subsection (f), such report to contain the Planning Board's recommendations on such petitions, appropriate maps, and supporting data.
- (f) In any case where the Directors of Public Works, Planning and Zoning, and Environmental Protection and Resource Management certify to the County Executive that early action upon an amendment petition is required in the public interest or because of emergency, such petition shall be exempted from the regular cycle time frame and shall be processed through subsections (a) through (e) as quickly as possible.
  - (g) Before any property is reclassified pursuant to this Order, the Planning Board must find the following:
- (1) That there has occurred a substantial change in the character of the neighborhood in which the property is located, or a danger to public health, or that the last classification of the property was established in error; and
  - (2) That the prospective reclassification of the property is warranted by that change or error;
- (3) Any findings of such change, danger or error and any finding that the prospective reclassification is warranted may be made only upon findings of consistency with the adopted County Master Plan, including, but not limited to, all of the following: population trends, availability and adequacy of existing and proposed water supply and sewerage facilities, transportation and other public facilities, and the capital program.

Upon the report of the Planning Board, the County Executive shall review their recommendations and may submit the proposed amendment to the Master Water & Sewerage Plan to County Council for their action.

Signed by the Baltimore County Executive, the Executive Secretary, the County Attorney, and the Directors of Public Works, Planning and Zoning, and Environmental Protection and Resource Management on April 11, 1990.

#### DEFINITIONS

Areal designations noted on each page of analysis and on the petition exhibits:

W-1 or S-1 EXISTING SERVICE AREAS Areas in which Metropolitan water and sewerage facilities are presently available to 90 % of the properties.

W-3 or S-3 CAPITAL FACILITIES AREAS Areas in which water and sewerage facilities are required, and are possible, within the framework of the six-year capital program, subject to annual budgeting, neighborhood petitions, determination of health hazards and the negotiation of Public Works Agreements.

W-4 or S-4 STUDY AREAS Areas, rural centers, outside the Metropolitan District which shall be studied to determine the feasibility of future community water supply and sewer service.

W-5 or S-5 MASTER PLAN AREAS Areas in which water and sewerage facilities are required and are intended within the framework of the Baltimore County Master Plan.

W-5 X or S-5 X MASTER PLAN AREAS Areas to become CAPITAL FACILITIES AREAS upon annexation into the Baltimore County Metropolitan District.

W-6 or S-6 AREAS OF FUTURE CONSIDERATION Areas which are to be considered in the design of major facilities for growth and development beyond the Land Use Master Plan.

W-7 or S-7 NO PLANNED COMMUNITY OR MULTI-USE SERVICE (NPS) Areas of planned, low-density growth (also known as "Resource Conservation Zoning") for which Metropolitan water and sewerage facilities are neither planned nor intended.

The following definitions have been derived from Maryland State Law and the Baltimore County Code and are set forth here as they relate specifically to Water Supply and Sewerage Planning in Baltimore County:

**INDIVIDUAL WATER SUPPLY** A water supply well and plumbing system within a single property, intended for domestic use of less than 5,000 gallons of ground water per day.

**INDIVIDUAL SEWERAGE SYSTEM** A sewerage system, within a single property, comprising a treatment system (septic tank) which receives waste water from a plumbing system and has a ground water recharge system of less than 5,000 gallons per day.

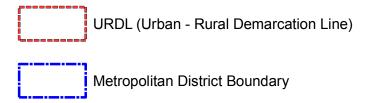
**MULTI-USE SYSTEM** A water supply or sewerage system which is identical to an individual system, as defined above, except that use and recharge of ground water is equal to or greater than 5,000 gallons per day.

#### **COMMUNITY SYSTEM** (Public or Private)

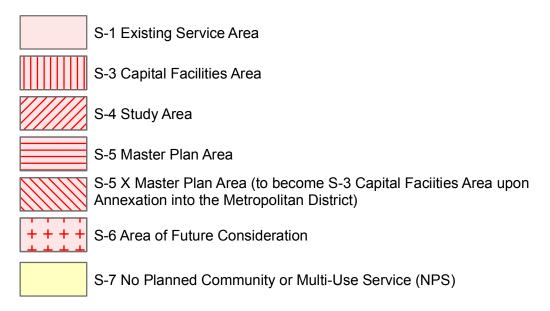
A system of water supply or sewerage disposal involving two or more property owners, regardless of the quantity or point of disposal.

Note: Any of the above may be a community system under the Clean Water Act of the Federal Government relative to the required water quality and frequency of testing.

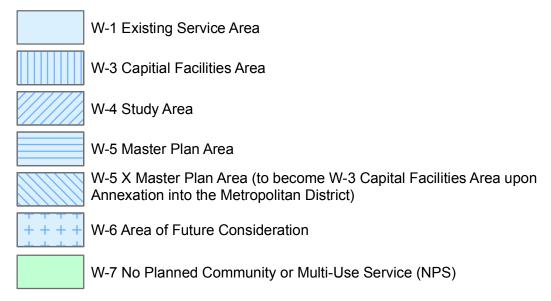
# Water & Sewer Plan Map Symbols



## **Sewer Plan Designations**



# **Water Plan Designations**



Properties, Maps & Recommendations

## **LaFarge Quarry**

Reference No.: 21-01

Property: LaFarge Quarry

Acreage: 414.7 acres (total property area)

400.6 acres (area inside URDL requesting change)

Property: 633 Earls Road, Middle River, MD 21220

Election District: 15 Council District: 06

Zoning Classification: RC 8

Tax Map: 0083

Parcel: 0243, 0401 (lot 2)

Tax ID No.: 2000011605, 1900008346

Water Supply & Sewerage Plan Map: W-17B & S-17B

Location Relative To:

• Urban Rural Demarcation Line: Inside/Outside

• Metropolitan District Boundary: Inside

Water Supply and Sewerage Plan Designations:

• Existing: W-5/6/7, S-5/6/7

• Requested: W-3, S-3

#### **Baltimore County Staff Recommendations:**

#### • Public Works & Transportation

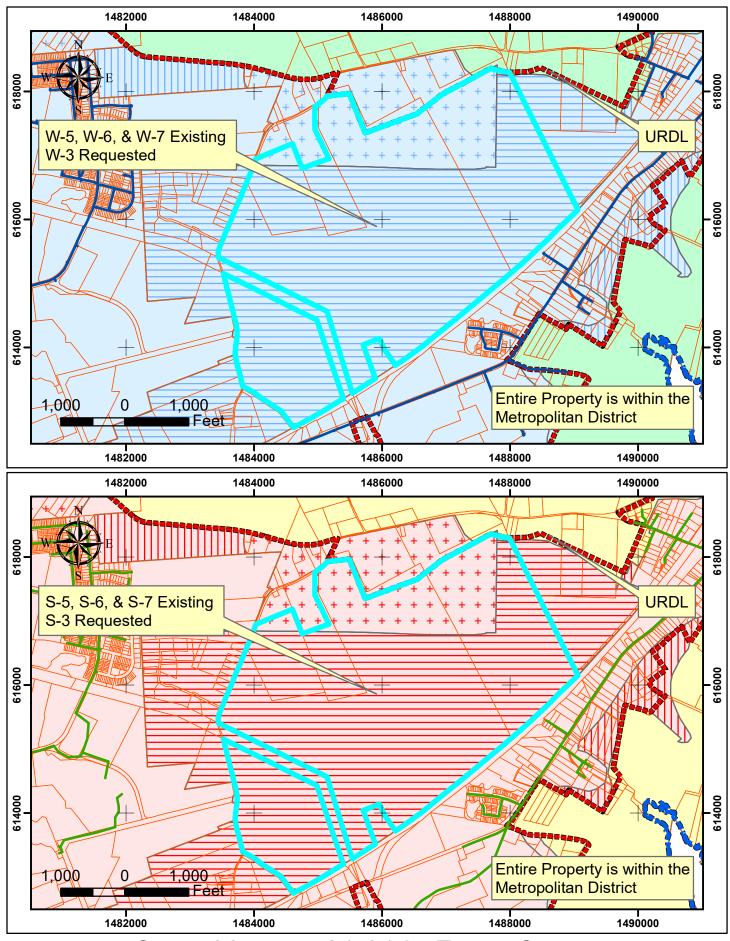
The Department recommends the water designation to be changed to W-3, Capital Facilities Area. The sewer designation should be deferred to EPS and Planning.

#### • Environmental Protection and Sustainability

The Department recommends approval of the requested change for the areas inside the URDL.

#### • Department of Planning

The Department recommends the water and sewer designations remain unchanged.



Cycle 39 Issue 21-01 LaFarge Quarry

# Section A

Amendment Petitions

# BALTIMORE COUNTY WATER SUPPLY AND SEWERAGE PLAN AMENDMENT PETITION

Amendment Cycle:39				
Reference Number: 21-01				
Attachment to Letter of Petition:  Property Name (if applicable): LaFarge Quarry  Location/Address: 633 Earls Road				
Acreage: 415 +/-  Election District: 15th  Zoning Map: 0083  Tax Map: 2000011 (05, 1000008346)	Zoning Classification: RC-8 Parcel Number:243; 401-Lot #2			
Tax Account Number:				
Submitted by:  John Motsco  Name (Printed)  Sign  Date	of MARIANOS CONALESCONA			



Email: dsthaler@dsthaler.com

April 23, 2021

Ms. D'Andrea L. Walker, Acting Director Baltimore County Department of Public Works 111 West Chesapeake Avenue Suite 307 Towson, Maryland 21204

Re: LaFarge Quarry - Chase, Maryland Baltimore County Water Supply and Sewerage Plan Amendment Petition Cycle XXXIX

Dear Ms. Walker:

On behalf of our client, Aggregate Industries ("the Owner"), we are writing to request, as reflected in the attached Baltimore County Water Supply and Sewerage Plan Amendment Petition, that public water and sanitary sewer service be extended to serve the property known as LaFarge Quarry in Chase, Maryland. LaFarge Quarry ("the property") is approximately 415 acres, more or less, located on the east side of Earls Road, south of Ebenezer Road and north of Eastern Avenue. For decades, the property has been quarried for sand and gravel, but that operation is coming to an end.

In terms of water and sewer designations, 331.1 acres, more or less, of the property are designated W5 and S5, 82.7 acres, more or less, are designated W6 and S6, and 1.2 acres, more or less, are designated W7 and S7. The accompanying Petition requests designation of the entire portion of the property within the Urban Rural Demarcation Line ("URDL") (400.6 acres, more or less) as W-3 and S-3. The area requested for redesignation is depicted on the enclosed exhibit.

The proposed W3/S3 designations are consistent with the property's location within the Metropolitan District boundary and with the fact that the bulk of the property is located within the URDL. Given the property's historic use as a quarry, the extension of public water and sewer to the site was neither necessary, nor a priority. However, given that the quarry is nearing the end of its useful life, the Owner proposes to reclaim and redevelop the property, and the W-3 and S-3 designations are critical to that effort.

Page 2 of 3 Ms. D'Andrea L. Walker, Acting Director Lafarge Quarry — Chase, Maryland April 23, 2021

Given the surrounding built environment, Baltimore County seems to have already been planning for this eventual reality. For example, a study prepared by the County, entitled "LaFarge Quarry Study" and dated April 14, 2018, reflects a future 16" waterline extended in Ebenezer Road, which would facilitate a connection to the property. Additionally, according to Baltimore County Water and Sanitary Sewer Key Sheets MM-W and Z-NW, existing public water is available in Eastern Avenue and Ebenezer Road, to the east and west of the site. Existing sanitary sewer is located just south of the site along Eastern Avenue. Thus, extension and connection of both water and sewer service to the property would be relatively simple.

As a result of the 2020 Comprehensive Zoning Map Process ("2020 CZMP"), the property is currently zoned RC-8. See CZMP Issue #6-004. Prior to the 2020 CZMP, the property was zoned primarily MH-IM-M43, ML-IM-M43, and ML-M with small portions being zoned RC-3 and RC-20. During the 2020 CZMP cycle, the Department of Planning and the Planning Board recommended that the property retain the then existing zoning. Based on discussions with those involved, the 2020 downzoning was done to encourage discussions regarding the eventual redevelopment of the subject property and not to promote future use under the RC 8 zoning classification. Since the 2020 CZMP, discussions have commenced, are ongoing, and will continue between the Owner and members of the community.

In considering its Petition, Aggregate Industries requests that the Department of Planning Staff and Planning Board, both of whom recommended in favor of the W3/S3 designation during the last amendment cycle<sup>[1]</sup>, focus on the merits of the request based upon traditional planning and siting principles. The location of this property – situated within the Metropolitan District and almost entirely within the URDL – and its interrelation with the surrounding built environment (to the east, west, and south) support the requested designation of this property for public water and sewer service.

Further, extension of public services to the property is consistent with the *Baltimore County Master Plan 2020*, which places the property within the Middle River Redevelopment Area, an area identified as having significant development or redevelopment potential following the extension of Route 43 (White Marsh Boulevard). In particular, the LaFarge Quarry property was described as being "one of the last remaining large tract mixed-use development opportunities in eastern

<sup>[1]</sup> The County Council did not vote to change the designation to W3/S3, which vote occurred after the downzoning. The stated rationale by those involved was to promote discussion on the future redevelopment. Councilwoman Cathy Bevins (representative for the 6th Councilmanic District) has been made aware that this request was being filed during the 2021 Cycle, and she will be monitoring the discussions with the community and this request.

Page 3 of 3 Ms. D'Andrea L. Walker, Acting Director Lafarge Quarry – Chase, Maryland April 23, 2021

Baltimore County." Master Plan 2020, p. 77. That potential certainly cannot be recognized without the extension of public water and sewer service.

As conversations with the community continue, it will ultimately be up to the Baltimore County Council to determine whether the W3/S3 designation should proceed in this Cycle. However, from the pure planning and infrastructure perspective, we believe the facts and information support the recommendation for the planned service of this property with public water and sewer.

Please do not hesitate to contact us if we may provide any further information about this request.

Very truly yours,

Managing Member

D.S. THALER & ASSOC., LLC

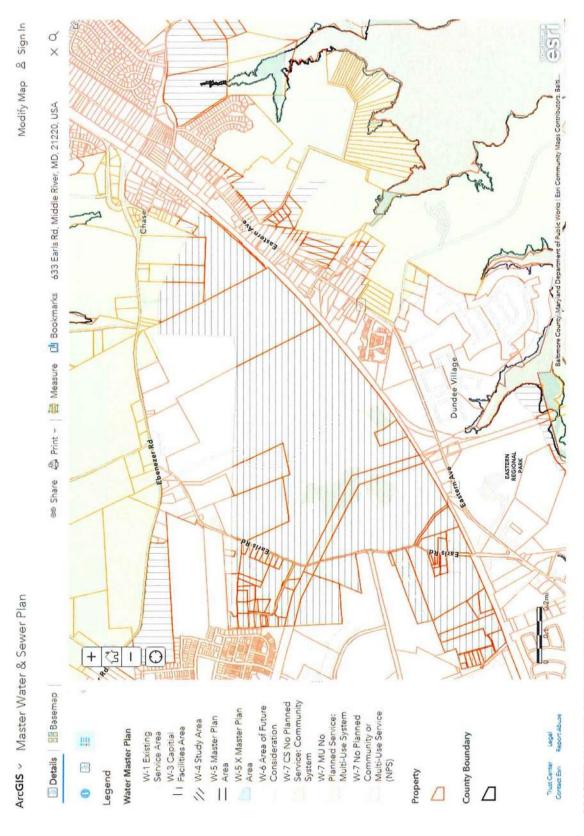
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Enclosure

Copy: Richard Freedman, PE

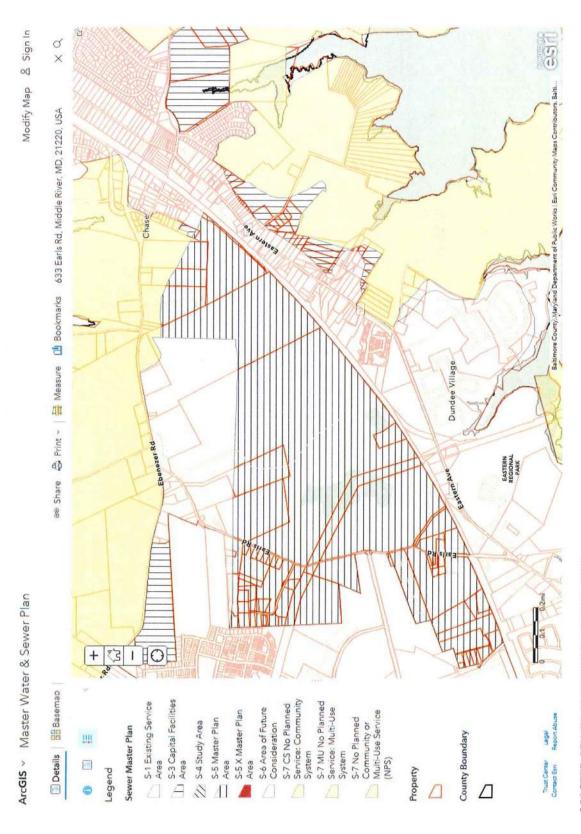
Christopher D. Mudd, Esquire Stacey A. McArthur, RLA

David S. Thaler, P.E., L.S., DFE, D.WRE, FRGS, F. ASCE, F., NSPE



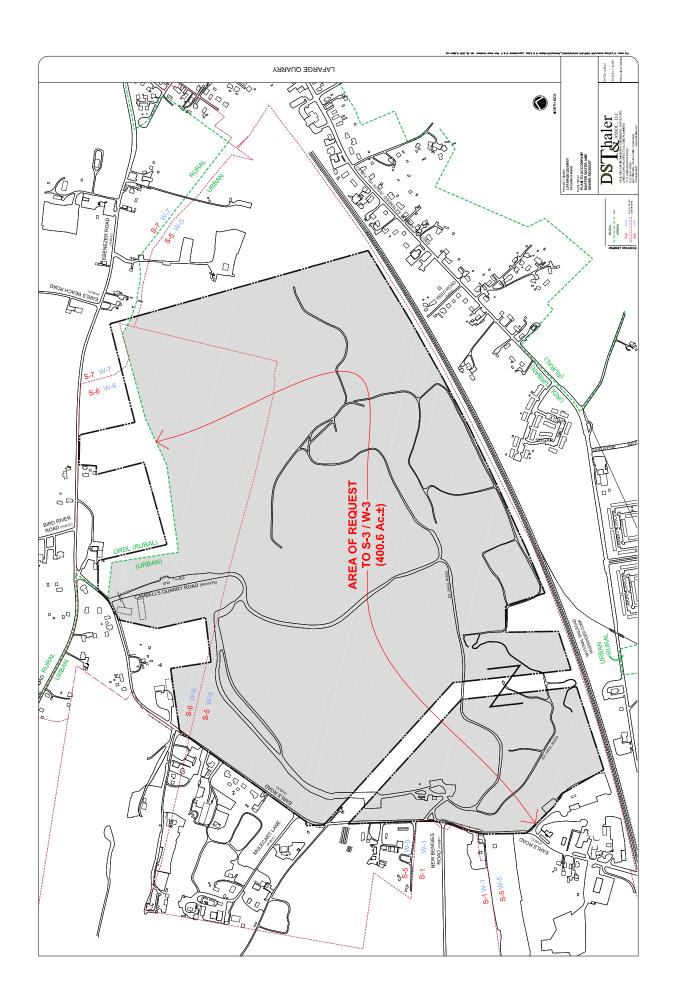
**MASTER WATER DESIGNATION 2021** 

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**MASTER SEWER PLAN DESIGNATION 2021** 

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# Section B

Analyses & Recommendations

of the

Department of Environmental Protection

and

Sustainability

## BALTIMORE COUNTY, MARYLAND

#### Inter-Office Memorandum

DATE:

June 2, 2021

TO:

D'Andrea Walker, Acting Director

Department of Public Works and Transportation

FROM:

David V. Lykens, Director

Department of Environmental Protection & Sustainability

SUBJECT:

Master Water & Sewerage Plan - Cycle 39 Amendments

The Department of Environmental Protection & Sustainability (EPS) submits the following comments and recommendations on the subject petitions:

21-01 LaFarge Quarry, 633 Earls Rd

**Recommendation:** EPS recommends approval of the requested change to those areas inside the URDL line.

David V. Lykens, Director

# Section C

Analyses & Recommendations

of the

Department of Planning

# **BALTIMORE COUNTY, MARYLAND**

### INTER-OFFICE CORRESPONDENCE

TO:

D'Andrea L. Walker, Acting Director

**DATE:** May 21, 2021

Department of Public Works

FROM:

Stephen W. Lafferty

Department of Planning

SUBJECT:

Cycle 39 Amendments to the Baltimore County Water Supply and

Sewerage Master Plan

## 21-01: LaFarge Quarry

This 415-acre property is completely located within the Metropolitan District Boundary. The majority of the property, or 400.6 acres, are located inside the Urban Rural Demarcation Line (URDL). The property is zoned RC 8 (the Environmental Enhancement zone). The petitioner proposes to change the current water and sewer designations from W-5, 6, & 7 and S-5, 6, & 7 to W-3 and S-3. The Department of Planning recommends that the designations be unchanged.

SWL:KZ

C: David Lykens, Director, DEPS Kevin W. Koepenick, Manager of Groundwater Management, EPS Bryan Bokey, P.E., DPW Kui Zhao, AICP, DP

# Section D

Analyses & Recommendations

of the

Department of Public Works & Transportation

# BALTIMORE COUNTY GOVERNMENT DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION INTER-OFFICE CORRESPONDENCE

DATE

May 25, 2021

TO

D'Andrea Walker

Acting Director of Public Works and Transportation

**FROM** 

Jeffrey Peluso, PE

Acting Chief, Engineering and Construction

SUBJECT

Cycle 39 Water and Sewer Plan Amendments

The following constitutes the recommendations of the Department of Public Works and Transportation (DPWT) regarding the following petition:

### 21-01: Lafarge Quarry

Existing Water Supply and Sewerage Plan Designations:

W-5/6/7 Capital Facilities Area/Area of Future Consideration/No Planned Service S-5/6/7 Capital Facilities Area/Area of Future Consideration/No Planned Service

Water Supply and Sewerage Plan Designations Requested by Petitioner:

W-3 Capital Facilities Area

S-3 Capital Facilities Area

#### Technical Discussion:

Water service is technically feasible and recommended. Sewer service is technically feasible but may require pumping and downstream facilities will need to be evaluated for capacity.

#### Recommendations:

DPWT recommends that the water designation be changed to W-3, Capital Facilities Area. The Water Design Section has recommended in the past three (3) Triennial Reviews of the Water and Sewer Master Plan (2014, 2017 and 2020) that a new 16-inch water main running along Ebenezer Road is needed between Stumpfs Road and Harewood Road. This new main would provide redundancy to the current single source of water to the peninsula in the Chase area in the event of a main break, and would improve water quality by looping the water system. The eastern portion of this section of Ebenezer Road is located outside of the URDL. Due to the current map designations and location of the URDL, the concept has not evolved and DPWT has not proceeded with the Petition Amendment process to have the map designation changed to begin work on

this improvement project. Because Amendment Petition 21-01 has a portion that runs along Ebenezer Road, changing the map designations would help DPWT to move forward with this needed water main in the near future. DPWT will still need to initiate the Petition Amendment process to obtain approval from the Planning Board to change the map designations for the remaining properties along Ebenezer Road to move forward with the project.

The sewer designation should be deferred to EPS and Planning.

Section E

Revisions to the

Executive Order

## **Baltimore County Water and Sewer Plan**

#### **Amendment Process**

WHEREAS, an Executive Order issued April 11, 1990 requires all petitions for water and sewer plan amendments to have a public hearing before the Planning Board in July;

WHEREAS, it is necessary to give the Planning Board more flexibility in scheduling public hearings on water and sewer plan amendments;

WHEREAS, this Executive Order is intended to supplement the April 11, 1990 Executive Order concerning Baltimore County Water and Sewer Plans; and

NOW, THEREFORE, under the authority vested in the County Executive by the Baltimore County Charter, it is this 22 day of July 2003, the County Executive orders the following:

- (a) Notwithstanding subsection (e)(2) of the April 11, 1990 Executive Order, the Planning Board may hold a hearing on a petition for a water and sewer plan amendment at a regularly scheduled meeting in September.
- (b) The public notice on petitions for a water and sewer plan amendment scheduled to be heard at a September meeting of the Planning Board shall occur in the same method as prescribed in the April 11, 1990 Executive Order except that public notice shall occur no later than August 18.
- (c) The review of a petition scheduled to be heard at a September meeting of the Planning Board by the Director of Public Works and the submission of the report to the Planning Board shall occur in July and August.
- (d) This Executive Order shall apply to petitions for amendments to the water and sewer plans filed in 2003.
- (e) Except as provided in this Executive Order, all other provisions of the April 11, 1990 Executive Order remain in effect.

Donna Morrisan

Marchiael for James T. Smith, Jr. County Executive

07/22/03

Date

# Executive Order Baltimore County Water & Sewerage Plan Amendment Process

WHEREAS, an Executive Order issued April 11, 1990 requires that Planning Board action on petitions for Baltimore County Water and Sewer Plan amendments be completed by September 30;

WHEREAS, it is necessary to give the Planning Board more flexibility in taking action on water and sewer plan amendments;

WHEREAS, this Executive Order is intended to supplement the April 11, 1990 Executive Order concerning the Baltimore County Water & Sewerage Plan Amendment Process; and

NOW, THEREFORE, under the authority vested in the County Executive by the Baltimore County Charter, it is this day of way 4, 2004 the County Executive orders the following:

- (a) Notwithstanding subsection (e)(2) of the April 11, 1990 Executive Order, which incorporates the expressly stated July 1 September 30 time period for Period III, entitled "Planning Board Action," the Planning Board may take action on a petition for a water and sewer amendment after September 30.
- (b) The public notice on petitions for a water and sewer plan amendment shall occur in the same method as prescribed in the April 11, 1990 Executive Order.
- (c) This Executive Order shall apply to petitions for amendments to the water and sewer plans that were presented to the Planning Board or the Office of Planning during Cycle 27 of the Water and Sewer Plan Amendments Process.
- (d) Except as provided in this Executive Order, all other provisions of the April 11, 1990 Executive Order remain in effect.

Attest:

Peter O'Malley
Secretary to the County Executive

Date

Attest:

James T. Smith, Jr.
County Executive

8. 28. 09

Date

27

Reviewed for legal form and sufficiency and approved for execution

Baltimore County Office of Law

Date

# Access to Digital Water & Sewerage Plan:

In an effort to reduce our carbon footprint, Baltimore County DPW&T is no longer including a CD with this report. Please visit the Master Plan Amendments and Review page on the County's website to download this report. If you have any questions, please contact Bryan Bokey at bbokey@baltimorecountymd.gov.